



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/727,182	11/30/2000	Niels Mache	282447US8X	5601

22850 7590 06/22/2007
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

LAZARO, DAVID R

ART UNIT	PAPER NUMBER
----------	--------------

2155

NOTIFICATION DATE	DELIVERY MODE
-------------------	---------------

06/22/2007

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

Office Action Summary

Application No.

09/727,182

Applicant(s)

MACHE ET AL.

Examiner

David Lazaro

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

1. This office action is in response to the RCE filed 05/07/2007.
2. Claims 1, 12 and 15 were amended.
3. Claims 1-21 are pending in this office action.

Response to Amendment/Arguments

4. Applicant's arguments with respect to claims 1-21 have been considered.

Applicant's arguments were directed towards Thorne not disclosing that the "secure read count" feature is included with the message. Based on the evidence cited in the new grounds of rejection below, it is the examiner's opinion that the read count value is intended to be included in the message. But as Thorne is silent on the exact details of this feature, U.S. Patent 6,711,608 by Ogilvie is also cited to this address this concern.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-18, 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,740,230 by Vaudreuil (Vaudreuil) in view of U.S. Patent 5,958,005 by Thorne et al. (Thorne) and U.S. Patent 6,711,608 by Ogilvie (Ogilvie).

7. With respect to Claim 1, Vaudreuil teaches a system for transmitting messages over a multimedia network from a sending client to a target client, the messages comprising target client information (Col. 1 lines 52-58), the system comprising:

a plurality of message gateways (Col. 7 lines 52-65), each message gateway being configured to receive and transmit over at least one dedicated transfer medium (Col. 7 lines 54-59 and Col. 3 line 66 – Col. 4 line 20), and

a message broker (Col. 7 line 65 – Col. 8 line 1; note the examiner is interpreting the 'remainder of the software system' on the hub to be the message broker) connected to the message gateways (Col. 7 line 65- Col. 8 line 1) and being provided with a client database (Col. 8 lines 46-51 and Col. 9 lines 61-65),

wherein a first message gateway receives a message in a first format (Col. 19 line 20 - Col. 20 line 21) from a sending client over a first transfer medium (Col. 10 lines 37-41 and Col. 12 lines 21-36) and transmits the message and/or an information extracted thereof to the message broker, the message broker automatically selects an appropriate second transfer medium depending on the content of the client database and the supplied message and/or an information extracted thereof (Col. 15 lines 13-20 and Col. 19 lines 49-56), and the message is sent in a second format (Col. 19 line 20 - Col. 20 line 21) to the target client by means of a second message gateway configured for a transmission over the second transfer medium selected by the message broker (Col. 6 lines 46-65), and

wherein messages include meta information containing a plurality of different fields (Col. 24 lines 24-52 - Particularly the labeling feature, and Col. 26 line 31 - Col. 27 line 15 - Particularly the "subject matter field" and the "message content type" field),

wherein the message broker controls the message flow by inspecting the meta information of the messages (Col. 24 lines 24-52 and Col. 26 line 31 - Col. 27 line 15).

Vaudreuil does not explicitly disclose the meta information including a secure read count value indicating the current number of times the message has been read and a maximum read count value limiting the maximum reads of the message. Thorne teaches meta information related to a message can include a secure read count indicating the current number of times the message has been read and a maximum read count which limit the maximum reads of the message (Col. 8 lines 1-20 and Col. 11 lines 5-12 and see Fig. 5B-560,562). While at least the maximum read count value of Thorne is included in the message (See Fig. 4, message header with "Display Times"), it is not explicitly stated in Thorne whether the secure read count value is in the message. The examiner notes that Fig. 5B, 560, refers to a "Message Read Field" which would imply a header field. Additionally note Col. 8, lines 28-34, which describes the intention of the invention is to insert into the message "packet header flags to cause each recipient computer or processor to respond to the commands created by completion of the template" (the template includes limiting the display times). The independent claims of Thorne also provide similar insight, stating, "populating said header with address data and processing instruction data" and "processing said data message in said second processing device responsive to said processing instruction

data". Additionally, Thorne does not provide any other suggestion as to where the read count value would be stored.

Based on this evidence, it would seem that the secure read count value of Thorne is intended to be included with the message. However, as it is not made explicitly clear, Ogilvie is also cited. Ogilvie teaches a system for enhancing the security of a message through the use of information associated with the message. The information provides for security enhancements such as automatic message self-removal and limiting the display time of a message (Col. 6 lines 7-19). This information can either be solely embedded in the message or in combination with other software/hardware (Col. 5 line 43 - Col. 6 line 6).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the system disclosed by Vaudreuil and modify it as indicated by Thorne and Ogilvie such that messages includes meta information containing a plurality of different fields, said meta information including a secure read count value indicating the current number of times the message has been read and a maximum read count value limiting the maximum reads of the message. One would be motivated to have this, as there is need for securing and controlling the circulation and usage of messages (Col. 2 lines 45-56 of Thorne)(Col. 1 lines 27-41 of Ogilvie).

8. With respect to Claim 2, Vaudreuil further teaches wherein a common internal message format is used for the communication respectively between the message broker and the message gateways (Col. 6 line 65 – Col. 7 line 9 and Col. 13 lines 2-15 and Col. 19 lines 36-48 of Vaudreuil)

9. With respect to Claim 3, Vaudreuil further teaches the message gateways are distributed over the network (See Fig. 1 of Vaudreuil – note gateways are part of the hub functionality).
10. With respect to Claim 4, Vaudreuil further teaches the transfer media comprise analog and digital transfer media (Col. 7 lines 49-60 of Vaudreuil).
11. With respect to Claim 5, Vaudreuil further teaches at least one message processor provided between the first and the second message gateway for further processing the content of the message to be transmitted (Col. 19 line 66 – Col. 20 line 8 of Vaudreuil).
12. With respect to Claim 6, Vaudreuil further teaches the client database comprises addresses of clients (Col. 21 lines 41-46), client preferences (Col. 20 lines 9-11) and/or characteristics of the transfer network to the corresponding target client (Col. 20 lines 11-12 of Vaudreuil).
13. With respect to Claim 7, Vaudreuil further teaches the message broker is designed to furthermore perform processing control (Col. 8 lines 22-65 of Vaudreuil) and/or security processing (Col. 28 lines 63-67 of Vaudreuil).
14. With respect to Claim 8, Vaudreuil further teaches the message broker is designed to furthermore perform accounting and/or billing (Col. 9 lines 61-65 of Vaudreuil).
15. With respect to Claim 9, Vaudreuil further teaches a plurality of message brokers is provided (See Fig. 1 of Vaudreuil – note message brokers are a part of hub functionality).

16. With respect to Claim 10, Vaudreuil in view of Thorne teaches all the limitations of Claim 9 and further teaches at least one message broker being connected with a client database with reduced capacity (Col. 7 lines 61-65 and Col. 8 lines 65-67 of Vaudreuil).

17. With respect to Claim 11, Vaudreuil in view of Thorne teaches all the limitations of Claim 1 and further teaches the messages respectively contain a non-granted encrypted and a granted non-encrypted part (Col. 28 lines 63-67 of Vaudreuil).

18. With respect to Claim 12, Vaudreuil teaches a message broker unit for a distributed multimedia system, wherein the unit is designed to autonomously select an appropriate transfer medium out of a plurality of transfer media for messages received in a first format (Col. 19 line 20 - Col. 20 line 21) from a sending client and to be transferred to a target client (Col. 4 lines 46-49 and Col. 19 lines 49-57) in a second format (Col. 19 line 20 - Col. 20 line 21), wherein the message broker (Col. 6 lines 46-48) is connected to a client database (Col. 8 lines 46-51 and Col. 9 lines 61-65) and the transfer medium selection is performed depending on target client information and the content of the client database (Col. 20 lines 9-12 and Col. 6 lines 55-59), and

wherein messages include meta information containing a plurality of different fields (Col. 24 lines 24-52 - Particularly the labeling feature, and Col. 26 line 31 - Col. 27 line 15 - Particularly the "subject matter field" and the "message content type" field),

wherein the message broker controls the message flow by inspecting the meta information of the messages (Col. 24 lines 24-52 and Col. 26 line 31 - Col. 27 line 15).

Vaudreuil does not explicitly disclose the meta information including a secure read count value indicating the current number of times the message has been read and a maximum read count value limiting the maximum reads of the message. Thorne teaches meta information related to a message can include a secure read count indicating the current number of times the message has been read and a maximum read count which limit the maximum reads of the message (Col. 8 lines 1-20 and Col. 11 lines 5-12 and see Fig. 5B-560,562). While at least the maximum read count value of Thorne is included in the message (See Fig. 4, message header with "Display Times"), it is not explicitly stated in Thorne whether the secure read count value is in the message. The examiner notes that Fig. 5B, 560, refers to a "Message Read Field" which would imply a header field. Additionally note Col. 8, lines 28-34, which describes the intention of the invention is to insert into the message "packet header flags to cause each recipient computer or processor to respond to the commands created by completion of the template" (the template includes limiting the display times). The independent claims of Thorne also provide similar insight, stating, "populating said header with address data and processing instruction data" and "processing said data message in said second processing device responsive to said processing instruction data". Additionally, Thorne does not provide any other suggestion as to where the read count value would be stored.

Based on this evidence, it would seem that the secure read count value of Thorne is intended to be included with the message. However, as it is not made explicitly clear, Ogilvie is also cited. Ogilvie teaches a system for enhancing the

security of a message through the use of information associated with the message. The information provides for security enhancements such as automatic message self-removal and limiting the display time of a message (Col. 6 lines 7-19). This information can either be solely embedded in the message or in combination with other software/hardware (Col. 5 line 43 - Col. 6 line 6).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the message broker unit disclosed by Vaudreuil and modify it as indicated by Thorne and Ogilvie such that messages includes meta information containing a plurality of different fields, said meta information including a secure read count value indicating the current number of times the message has been read and a maximum read count value limiting the maximum reads of the message. One would be motivated to have this, as there is need for securing and controlling the circulation and usage of messages (Col. 2 lines 45-56 of Thorne)(Col. 1 lines 27-41 of Ogilvie).

19. With respect to Claim 13, Vaudreuil further teaches the transfer medium selection is performed depending on the target network (Col. 6 lines 55-59 of Vaudreuil), the message type (Col. 20 lines 9-12 of Vaudreuil) and/or client preference contained in the client database (Col. 19 lines 49-56 of Vaudreuil)

20. With respect to Claim 14, Vaudreuil further teaches the messages respectively contain a non-granted encrypted and a granted non-encrypted part (Col. 28 lines 63-67 of Vaudreuil).

21. With respect to Claim 15, Vaudreuil teaches a method for sending messages over a multimedia network from a sending client to a target client, the message

comprising target client information (Col. 1 lines 52-58), the method comprising the following steps:

transmitting the message in a first format (Col. 19 line 20 - Col. 20 line 21) from the sending client to a message broker (1) over a first transfer medium (Col. 6 lines 46-48), and

transmitting the message in a second format (Col. 19 line 20 - Col. 20 line 21) to the target client over a second transfer medium, wherein the second transfer medium can be identical to the first transfer medium (Col. 5 lines 60-66),

wherein the message broker selects an appropriate second transfer medium out of a plurality of transfer media depending on the content of a client database (Col. 19 lines 49-56) connected to the message broker (Col. 8 lines 46-51 and Col. 9 lines 61-65) and the target client information (Col. 19 lines 49-56 and Col. 20 lines 9-12), and

wherein messages include meta information containing a plurality of different fields (Col. 24 lines 24-52 - Particularly the labeling feature, and Col. 26 line 31 - Col. 27 line 15 - Particularly the "subject matter field" and the "message content type" field),

wherein the message broker controls the message flow by inspecting the meta information of the messages (Col. 24 lines 24-52 and Col. 26 line 31 - Col. 27 line 15).

Vaudreuil does not explicitly disclose the meta information including a secure read count value indicating the current number of times the message has been read and a maximum read count value limiting the maximum reads of the message. Thorne teaches meta information related to a message can include a secure read count indicating the current number of times the message has been read and a maximum

read count which limit the maximum reads of the message (Col. 8 lines 1-20 and Col. 11 lines 5-12 and see Fig. 5B-560,562). While at least the maximum read count value of Thorne is included in the message (See Fig. 4, message header with "Display Times"), it is not explicitly stated in Thorne whether the secure read count value is in the message. The examiner notes that Fig. 5B, 560, refers to a "Message Read Field" which would imply a header field. Additionally note Col. 8, lines 28-34, which describes the intention of the invention is to insert into the message "packet header flags to cause each recipient computer or processor to respond to the commands created by completion of the template" (the template includes limiting the display times). The independent claims of Thorne also provide similar insight, stating, "populating said header with address data and processing instruction data" and "processing said data message in said second processing device responsive to said processing instruction data". Additionally, Thorne does not provide any other suggestion as to where the read count value would be stored.

Based on this evidence, it would seem that the secure read count value of Thorne is intended to be included with the message. However, as it is not made explicitly clear, Ogilvie is also cited. Ogilvie teaches a system for enhancing the security of a message through the use of information associated with the message. The information provides for security enhancements such as automatic message self-removal and limiting the display time of a message (Col. 6 lines 7-19). This information can either be solely embedded in the message or in combination with other software/hardware (Col. 5 line 43 - Col. 6 line 6).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the method disclosed by Vaudreuil and modify it as indicated by Thorne and Ogilvie such that messages includes meta information containing a plurality of different fields, said meta information including a secure read count value indicating the current number of times the message has been read and a maximum read count value limiting the maximum reads of the message. One would be motivated to have this, as there is need for securing and controlling the circulation and usage of messages (Col. 2 lines 45-56 of Thorne)(Col. 1 lines 27-41 of Ogilvie).

22. With respect to Claim 16, Vaudreuil further teaches the transmission of the message from the sending client to the target client is performed essentially in real-time (Col. 24 line 63 – Col. 25 line 3 of Vaudreuil).

23. With respect to Claim 17, Vaudreuil further teaches a conversion from the first transfer medium to the second transfer medium is performed depending on the target network (Col. 6 lines 55-59 of Vaudreuil), the message type (Col. 20 lines 9-12 of Vaudreuil) and/or client preference contained in the client database (Col. 19 lines 49-56 of Vaudreuil).

24. With respect to Claim 18, Vaudreuil further teaches before the transmission to the target client, the content of the message is further processed by digital signing, encryption, watermarking and/or translation (Col. 32 lines 57-64 and Col. 28 lines 63-67 of Vaudreuil).

25. With respect to Claim 20, Vaudreuil further teaches the messages respectively contain a non-granted encrypted and a granted non-encrypted part (Col. 28 lines 63-67 of Vaudreuil).

26. With respect to Claim 21, Vaudreuil further teaches that when loaded into a computer, it implements a method according to Claim 15 (Col. 7 lines 47-49 of Vaudreuil and Please refer to Claim 15 rejection).

27. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vaudreuil in view of Thorne as applied to claim 15 above, and further in view of U.S. Patent 6,163,796 by Yokomizo (Yokomizo).

28. With respect to claim 19, Vaudreuil in view of Thorne and Ogilvie teaches all the limitations of Claim 15 but does not explicitly disclose a lifetime is attributed to each message and transmitting the message only during that lifetime. Yokomizo teaches a message can have a lifetime attributed to it (Col. 6 lines 4-5).

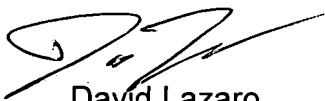
It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the method disclosed by Vaudreuil in view of Thorne and Ogilvie and modify it as indicated by Yokomizo such that a lifetime is attributed to each message and the message is only transmitted until the expiration of the lifetime. One would be motivated to have this as this provides better efficiency in the messaging system (Col. 2 lines 5-9 of Yokomizo).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Lazaro whose telephone number is 571-272-3986. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



David Lazaro
June 17, 2007